

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 336

Introduced by Assembly Member Robert Pacheco

February 11, 1999

An act to amend Section 725 of the Welfare and Institutions Code, relating to juvenile court law.

LEGISLATIVE COUNSEL'S DIGEST

AB 336, as amended, Robert Pacheco. Juvenile court: wards.

~~(1) Under~~

Under existing law, if the juvenile court has found a minor to be a person coming within its jurisdiction on the basis of either noncriminal or criminal conduct, the court may adjudge the minor to be a ward of the court.

This bill would provide that if a minor is found to come within the jurisdiction of the juvenile court, as specified, on the basis of the commission of a *serious or violent* felony, *as defined*, and has twice previously been found to have come within the court's jurisdiction on the basis of the commission of a *serious or violent* felony, the court shall order and adjudge the minor to be a ward of the court, and shall order the minor to be held in physical confinement at the discretion of the court, as specified. ~~The bill would also prohibit a court from granting a petition to seal records relating to any felonies involved in such a case. Because the bill would impose~~

~~additional duties on county law enforcement officers, the bill would impose a state-mandated local program.~~

The bill would, however, provide that the court may, in the interests of justice, after first considering physical confinement of the minor, find that the minor would respond better to treatment in a program that does not involve physical confinement and may order the minor to participate in that program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 725 of the Welfare and
2 Institutions Code is amended to read:
3 725. After receiving and considering the evidence on
4 the proper disposition of the case, the court may enter
5 judgment as follows:
6 (a) If the court has found that the minor is a person
7 described by Section 601 or 602, by reason of the
8 commission of an offense other than any of the offenses
9 set forth in Section 654.3, it may, without adjudging the
10 minor a ward of the court, place the minor on probation,
11 under the supervision of the probation officer, for a
12 period not to exceed six months. The minor's probation
13 shall include the conditions required in Section 729.2
14 except in any case in which the court makes a finding and
15 states on the record its reasons that any of those
16 conditions would be inappropriate. If the offense
17 involved the unlawful possession, use, or furnishing of a
18 controlled substance, as defined in Chapter 2
19 (commencing with Section 11053) of Division 10 of the
20 Health and Safety Code, a violation of subdivision (f) of
21 Section 647 of the Penal Code, or a violation of Section



1 25662 of the Business and Professions Code, the minor's
2 probation shall include the conditions required by
3 Section 729.10. If the minor fails to comply with the
4 conditions of probation imposed, the court may order and
5 adjudge the minor to be a ward of the court.

6 (b) If the court has found that the minor is a person
7 described by Section 601 or 602, it may order and adjudge
8 the minor to be a ward of the court.

9 (c) Notwithstanding subdivisions (a) and (b), if the
10 juvenile court has found that the minor is a person
11 described by Section 602 by reason of the commission of
12 a *serious or violent* felony and that the minor has twice
13 previously been found by the court to be a person
14 described by Section 602 by reason of the commission of
15 a *serious or violent* felony, the court shall order and
16 adjudge the minor to be a ward of the court, and shall
17 order the minor to be held in physical confinement as
18 defined in Section 726; ~~and, notwithstanding Section 389,~~
19 ~~no court shall grant a petition to seal records related to~~
20 ~~any felony which forms the basis of a court's findings~~
21 ~~pursuant to this subdivision.~~ The length of the period of
22 physical confinement ordered pursuant to this
23 subdivision shall be at the discretion of the court,
24 consistent with the requirements of subdivision (c) of
25 Section 726.

26 (d) *Notwithstanding subdivision (c), the court may, in*
27 *the interests of justice, after first considering physical*
28 *confinement of the minor, find that the minor would*
29 *respond better to treatment in a program that does not*
30 *involve physical confinement and may order the minor*
31 *to participate in that program.*

32 (e) *For purposes of this section, a violent felony is any*
33 *felony listed in subdivision (c) of Section 667.5, and a*
34 *serious felony is any felony listed in subdivision (c) of*
35 *Section 1192.7, of the Penal Code.*

36 SEC. 2. No reimbursement is required by this act
37 pursuant to Section 6 of Article XIII B of the California
38 Constitution because the only costs that may be incurred
39 by a local agency or school district will be incurred
40 because this act creates a new crime or infraction,

1 eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section
3 17556 of the Government Code, or changes the definition
4 of a crime within the meaning of Section 6 of Article
5 XIII B of the California Constitution.

6 Notwithstanding Section 17580 of the Government
7 Code, unless otherwise specified, the provisions of this act
8 shall become operative on the same date that the act
9 takes effect pursuant to the California Constitution.

